रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 22] नई दिल्ली, सोमवार, मई 11, 1970/वैशाख 21, 1892
No. 22] NEW DELHI, MONDAY, MAY 11, 1970/VAISHAKHA 21, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 11th May, 1970:—

BILL No. 52 OF 1970

A Bill further to amend the Coal Mines (Conservation and Safety) Act, 1952.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Coal Mines (Conservation and Safety) Amendment Act, 1970. Short title.

12 of 1952. 2. In the Coal Mines (Conservation and Safety) Act, 1952 (hereinafter referred to as the principal Act), in the long title, for the words "safety in", the words "safety in, and development of," shall be substituted. Amendment of long title.

3. In section 1 of the principal Act, in sub-section (*1*), for the brackets and words "(Conservation and Safety)", the brackets and words "(Conservation, Safety and Development)" shall be substituted. Amendment of section 1.

4. In section 2 of the principal Act, for the words "regulation of", the words "regulation and development of" shall be substituted. Amendment of section 2.

5. In section 3 of the principal Act,— Amendment of section 3.

(*i*) for clause (*f*), the following clause shall be substituted, namely:—

'(*f*) "Development Fund" means the Coal Development Fund constituted under section 12;';

(*ii*) after clause (*hh*), the following clause shall be inserted, namely:—

'(*hha*) "Safety Fund" means the Coal Mines Safety and Conservation Fund constituted under section 12;'.

Amendment of section 5.

6. In section 5 of the principal Act,—

(*i*) in sub-section (*1*), after the words "safety in coal mines", the words "or for development of coal mines" shall be inserted;

(*ii*) in sub-section (*2*), for the words "safety in coal mines", the words "safety in, or development of, coal mines" shall be substituted.

Amendment of section 7.

7. In section 7 of the principal Act,—

(*i*) in sub-section (*1*), after the words "safety in coal mines", the words "or for development of coal mines" shall be inserted;

(*ii*) in sub-section (*2*), after the words "safety in coal mines", the words "or for development of coal mines" shall be inserted.

ment of tion of new section for section 11.

8. For section 11 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Payment to the Coal Board.

"11. The Central Government may, in each financial year, pay to the Board a sum not exceeding the aggregate of the net proceeds (determined in such manner as may be prescribed) of the duties of excise collected, under section 8, during the period commencing on the date of commencement of this Act and ending on the last day of the preceding financial year, less the aggregate of the amounts already paid to the Board, under this section, during that period.".

Amendment of section 12.

9. In section 12 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-sections shall be substituted, namely:—

"(*1*) The sum referred to in section 11 and any other money received by the Board shall be credited to,—

(*a*) where it relates to safety in coal mines or conservation of coal, a Fund to be called the Coal Mines Safety and Conservation Fund,

(b) where it relates to the developing of coking coal mines, a Fund to be called the Coal Development Fund.

(*1A*) The Safety Fund shall be applied by the Board, in such manner and subject to such conditions as may be prescribed, to—

(*a*) meeting the expenses in connection with the administration of the Board and the furtherance of the objects of this Act in so far as such objects relate to safety in coal mines or conservation of coal;

(*b*) the grant of stowing materials and other assistance for stowing operations to the owners, agents or managers of coal mines;

(c) the execution of stowing and other operations in furtherance of the objects of this Act in so far as such objects relate to safety in coal mines or conservation of coal;

(d) the prosecution of research work connected with safety in coal mines or conservation and utilisation of coal;

(e) meeting the cost of administering the Safety Fund and the expenses in connection with Advisory Committees;

(f) the grant to State Governments, research organisations, local authorities and owners, agents or managers of coal mines of money in aid of any scheme approved by the Central Government in furtherance of the objects of this Act in so far as such objects relate to safety in coal mines or conservation of coal;

(g) any other expenditure which the Central Government directs to be defrayed out of the Safety Fund.

(*1B*) The Development Fund shall be applied by the Board, in such manner and subject to such conditions as may be prescribed, to—

(a) development of coal mines in a scientific manner,

(b) meeting the cost of the administration of any scheme for the development of coal mines.";

(*ii*) in sub-section (*2*), for the words "accounts of the Fund", the words "separate accounts in relation to the Development Fund and the Safety Fund" shall be substituted.

10. In section 17 of the principal Act, in sub-section (*2*),— **Amendment of section 17.**

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the measures to be taken for the development of coal mines;";

(*ii*) in clause (*f*), for the words "Coal Mines Safety and Conservation Fund", the words "Development Fund or the Safety Fund, as the case may be," shall be substituted;

(*iii*) in clause (*g*), for the word "Fund", the words "Development Fund or the Safety Fund" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under the existing Coal Mines (Conservation and Safety) Act, 1952, the Coal Board can exercise two functions, viz. "Conservation" and "Safety". The development of Coal Mines, especially those producing coking coal, has assumed importance in view of the scarce resources on the one hand and growing needs of the metallurgical industry on the other. The Coal Board, with its knowledge of coal industry, is best suited to discharge this function. The Bill seeks to amend the Coal Mines (Conservation and Safety) Act, 1952, to include "development of Coal Mines" also, as an additional function of the Coal Board.

NEW DELHI; JAGANATH RAO

The 9th April, 1970.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. CVIII-10(1)|69-Cl, dated the 28th April, 1970 from Shri Jaganath Rao, Minister of State in the Ministry of Petroleum and Chemicals, and Mines and Metals to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill further to amend the Coal Mines (Conservation and Safety) Act, 1952, recommends introduction of the Bill in the Lok Sabha under clause (1) of article 117 and its consideration under clause (3) of article 117 of the Constitution.

FINANCIAL MEMORANDUM

Excise duty @ Rs. 2·44 per tonne of coking coal and Rs. 1·68 per tonne of non-coking coal raised and despatched from collieries in the country is levied at present under section 8 of the Coal Mines (Conservation and Safety) Act, 1952. The collections are credited in the first instance to the Consolidated Fund of India. An additional excise duty of 75 paise per tonne is being levied on coking coal with effect from the 14th October, 1968. Its proceeds are to be utilised for development of coal mines. Payments are being made to the Coal Mines Conservation and Safety Fund of the Coal Board each year from the Consolidated Fund of India by Parliamentary Appropriation, which the Board utilises for "conservation" and "safety" purposes. When the Bill becomes an Act, payments will also be made to the Coal Development Fund which the Coal Board will utilise for the purpose of development of Coal Mines including the cost of administration of the scheme. Total payments to the two Funds in each financial year will, however, not exceed the aggregate of the net proceeds of the duties of excise collected up to the end of the preceding financial year less the aggregate of the amounts already paid to the Coal Board till the end of that financial year *vide* clause 8 of the Bill.

2. There is no non-recurring expenditure from the Consolidated Fund of India. Recurring expenditure from the Consolidated Fund of India will be in the form of payments which will be made to the Coal Board each year from the collection of excise duty specifically levied on coking coal for development purpose, as such collections will in the first instance be credited to the Consolidated Fund of India. Collection of levy varies from year to year depending on the quantity of coal raised and despatched. The present annual collection works out to about Rs. 11·25 crores, including about Rs. 1·25 crores relatable to developmental levy, which may increase to about Rs. 17 crores and Rs. 2 crores, respectively, by 1973-74. The exact amount that may be paid to the Coal Board each year on this account cannot be precisely assessed, but the payment to the two Funds will in any case be subject to the restrictions laid down in clause 8 of the Bill and be also subject to the Parliamentary approval. It is, however, expected that, on an average, such payments during the Fourth Five Year Plan period may roughly be of the order of Rs. 14 crores per annum, including Rs. 1·75 crores relatable to development levy.

3. In pursuance of the recommendations of the Administrative Reforms Commission, the whole set up of the Coal Board is under review and the administrative set up separately for operating the Coal Development Fund in the re-organised set up of the Coal Board cannot be indicated precisely now. It will, however, be ensured that the additional set up for this purpose will be kept to the minimum, having regard to the need for economy in administrative expenditure. It is estimated that the expenditure of the Coal Board on this account may roughly be of the order of Rs. 1.50 lakhs per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill, which seeks to substitute a new section for section 11 of the principal Act, empowers the Central Government to frame rules with regard to the manner in which the net proceeds of the duties of excise collected under section 8 shall be determined.

Clause 9 of the Bill seeks to insert new sub-sections (1A) and (1B) in section 12 of the principal Act. The said sub-sections seek to empower the Central Government to specify by rules the conditions subject to which the Safety Fund and the Development Fund shall be applied by the Board.

The matters with respect to which such rules may be made are matters of detail within the scope of the general provisions of the Act and it is not possible to provide for them in the Act. The delegation of the legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1970